

Andover Conservation Commission Meeting Minutes
May 17, 2011

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston and Commissioner Jon Honea. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

21 Pomeroy Road

Present in Interest: Jim and Kathy Cyrier

Staff Recommendation: Approve issuance of Notification of Satisfactory Completion of work and Approve as Neg.3

Continued Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a 12' x 12' screen porch is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. This was continued from April 19, 2011 for purposes of a more professionally prepared plan and for Applicant to close out an older Determination of Applicability prior to commencement of new work. The project is under the WPA only. The Applicant has submitted a professionally prepared plan with the proposed screen deck depicted. A request for waivers for lack of wetland delineation due to use of approved as-built plan for COC and structure located in the 50 foot no-build zone. The Applicants are also requesting permission to remove a pine tree that is threatening the integrity of a retaining wall. The Applicant has also applied for a Notification of Satisfactory Completion of Work Certificate for work done in 2003 on a failing septic system. This is a "Backyard Project". The work is removed from the pond by an existing patio and a portion of the existing deck.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve the waiver for lack of delineated wetland and structure located in the 50 foot no build due to the work being removed from the pond by the existing patio and a portion of the existing deck. The Motion was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Ralston made a Motion to Approve as Neg. 3; it was seconded by Commissioner Driscoll and unanimously approved. This motion included issuance of a Notification of Satisfactory Work Certificate for DA2003-023.

18 Upland Road

Present in Interest: Francis Addonizio

Staff Recommendation: Approve as Neg. 3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a porch and deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the Act only and is complete. This is a "Backyard Project". The work is 70 feet, more or less, from the wetland area and on either existing lawn or pavement. The Applicant is replacing a porch with the same dimensions as the old one which was removed due it being a hazard. The porch will be 5 feet in width and run the length of the house, about 23 feet on the driveway side of the house. The Applicant is also seeking to add a deck in the rear yard which will be 12 feet wide by 15 feet long and extend 15 feet in width on one side to meet the existing paved driveway. Waivers are requested for engineered plans. The work is more than 50 feet from the wetland.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to approve the Waiver; it was seconded by Commissioner Porter and unanimously approved. Commissioner Ralston made a Motion to Approve as Neg.3, with a specific description of the structure; it was seconded by Vice Chairman Walsh and unanimously approved.

6 Nob Hill Circle

Present in Interest: Thomas and Emma Gemaro and David Morin

Staff Recommendation: Approve as Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of an addition and deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and is complete. This is a “Backyard Project”. The Applicant is seeking to remove an existing addition and deck and install a larger deck and addition. The addition will be 14’ x 21’ and the decks will be 6’ x 12’ and 14’ x 16’ to be specified in the Order of Conditions. These will be constructed on existing lawn area. There will be excavation so sedimentation control is needed and storage of materials to be inside the sedimentation line or hauled off site. There is to be no grading. The haybale line shall be no closer than 25 feet to the wetland. The Applicant has requested a waiver for engineered plans.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve the waiver request based on existing structure and distance to the wetland; it was seconded by Commissioner Ralston and unanimously approved. Vice Chairman Walsh made a Motion to Approve as Neg. 3 with dimensions and haybale location specified, it was seconded by Commissioner Driscoll and unanimously approved.

2 Pond View Place

Present In Interest: Irene Jacobs

Staff Recommendation: Approve

Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed Aquatic Management to control non-invasive aquatic vegetation.

Mr. Douglas presented this to the Commission. ACT to do the work of hydro raking to remove the non-invasive weeds at Jacob’s Pond. This is part of a 3 year vegetation management plan.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Close the Public Hearing and Approve the draft Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS

21 (off) Webster Street

Staff Recommendation: Approve

Vote to rescind “friendly” Enforcement Order.

Commissioner Ralston made a Motion to acknowledge the Enforcement Order has been complied with and is no longer in effect, it was seconded by Commissioner Porter and unanimously approved.

**Ward Reservation
Bay Circuit Trail
Gray Road/Tucker Road
Present in Interest: Chris Ward and Adam Rolfson**

Staff Recommendation: Find Not Significant

Consideration of significance for trail maintenance on section of the Bay Circuit Trail. Bog Bridges will be constructed on 4x4's paid for with a recreational grant. The bridges will be raised up to compensate for the high water level.

Commissioner Ralston made a Motion to find Not Significant; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

6 Warwick Circle

Issuance of a Certificate of Compliance.

Tabled

117 Bellevue Road

Issuance of a Satisfactory Completion of Work Certificate

Avalon at St. Clare

Discussion regarding a request to change the frequency of inspections.

Commissioner Ralston made a Motion to Approve 117 Bellevue Road and Avalon at St. Clare; it was seconded by Commission Driscoll and unanimously approved.

DISCUSSION ITEMS:

Roger's Dell

Present in Interest: Suzanne Roberts

Suzanne updated the Commission on the progress of clearing at Roger's Dell. There is knotweed, Japanese honey suckle and burning bush to be removed. She also informed the Commission that in a year or two she will need to begin ground cover and planting shrubs. It appears that there is dumping of yard waste in the Dell, but no solid waste has been found.

Suzanne also requested permission to release her beetles at Foster's Pond.

Commissioner Driscoll made a Motion to authorize Suzanne to release her beetles at Foster's Pond; it was seconded by Commissioner Porter and unanimously approved.

14 Evergreen Lane

Discussion regarding Enforcement Order.
Tabled

Open Space & Fire Sprinklers in Subdivisions

Discussion regarding letter from Town Counsel. Town Counsel has advised that the Planning Board **cannot** ask people to donate land as part of the Approval process. Further discussion at the next meeting.

LATE ITEMS THAT MAY REQUIRE A VOTE:

Overseers

Vote to appoint the following Overseers:

1. Carol Minasian for Boloian Reservation;
2. Mark Kristiansen for Hearthstone Village Green Area;
3. Nathan Beams for Hearthstone Village Green Area; and
4. Josh Howard for Carmel Woods.

Commissioner Ralston made a Motion to Approve the new Overseers; it was seconded by Commissioner Driscoll and unanimously approved.

Andover Country Club

Enforcement Order. Discussion regarding mitigation planting plan for the cutting that was performed.

Table

Boat House

A local contractor has agreed to remove the dilapidated boat house for free, leaving the cement pad for future use. Upon a site visit by staff, the boat house was found to be deteriorated with several holes in the roof. This constitutes a Public Health Nuisance as it creates a danger for anyone entering the building.

Commissioner Ralston made a Motion for an Emergency Certification to allow Conservation Agent to have structure removed; it was seconded by Commissioner Driscoll and unanimously approved.

There was further discussion regarding the Grant application for this parcel. Commissioner Driscoll made a Motion to find it not significant for the placement of picnic tables in the Riverfront Area; it was seconded by Commissioner Porter and unanimously approved.

Commissioner Driscoll also made a Motion to find it not significant to create a 54' x 20', 6 car parking lot on the high point to be made of dirt; it was seconded by Commissioner Porter and unanimously approved.

The next meeting will be held June 7, 2011 at 7:45pm.

The meeting was adjourned at 9:08pm by a Motion of Commissioner Driscoll, seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**